## Rhode Island Election.

PROVIDENCE, R. L., Wednesdey, April 6, 1859.

Themse G. Turser, is elected Governor. John R. Bartlett, Secretary of State, and Jerome B. Kimball, Attorney General. They are on both the American

and Republican tickets. There is no choice for Lieut. Governor and General

Tressurer. In the Eastern Congressional District there is no -hoice. The vote stards Robinson, American-Repub-Ecss, 3,797; Davis, Republican, 2,422; Arnold, Democra 7, 1,532. Robinson leads at every town but

In the Western Congressional District, Brayton, who was supported by the American Republicans and the Republicans is e. acted. The vote is: Brayton, 2,946; Atthony, (Dem.) . 00.

There is no election of Me, where of the General Assembly in this city. Tre Opposition have both Houses of the Legislature by an overshelming insjority.

## Non-Arrival of European Steamers. Hallfax, Wednesday, April 6-p. m.

No signs of the steamship Canada from Liverpool 25th ult. Weather clear, with a strong north-west wind.

PORTLAND, Wednesday, April 6-midnight. No signs of the Indian now considerably over due

## The Southern Pacific Railroad

New-ORLEANS, Wednesday, April 6, 1859.
Advices from Marshall, Texas, to the 1st state that
the suit for the forestore of the Pacific Railroad
charter has been decided is favor of the old Company.

DR. CHEEVER'S SERMON ON SLAVERY.

In response to a request made by numerous citizens, the Rev. Dr. Cheever delivered, last evening, at the large ball of the Cooper Institute, the first of his recent discourses against Human Slavery, originally de Evered before the congregation of the Church of the Puritane, Union Square. The ball was filled by a large and intelligent audience of ladies and gentlemen.

A prayer was offered by the Rev. Thomas S. Hast-

Dr. CHEEVER then came forward, and was received with loud applanse. His subject was, "The Logic of The reverend the Word of God against Slavery." speaker al uded to the Scriptures as forming an irresistible chain of revelation against Human Slavery; and one of the greatest conflicts that had ever existed was that in which men endeavored to resist the direct teachings of the Word of God on Slavery. He cited first the text from Exodus: "He that stealeth a man "and selleth him, or if he be found in his hand, he shall be surely put to death." This 'ext was alluded "shall be surely put to death." This 'ext was alitted to in Paulis episte to Emothy, and was there to be carried out under the Gospel. The origin of Sisvery was in man-stealing, and it was admitted by sisve-holders that this was true of American Siavery. Dr. Cheever referred to the argument time, admitting this, the present slaveholders were not guilty of crize, they having bought or received them as an inheritance. If a man were to buy a stolen horse, knowing him to be colen, be would be locked up horse, knowing him to be soien, the would be tocked upbe a thief. Applying this principle to the purchase of
a man, the legitimate deduction was, that the purchaser was a thief. If an honest man, finding he had
purchased a stolen horse, he would have songht his
owner, and given him up. If he did not to become a
thief. The slave was stolen from himself—and if a
man buying a slave did not offer him his freedom, he
became a man stealer. If slaveholders gave up their

became a man stealer. If slaveholders gave up their slaves, the laws against emancipation became effete. But the principle in regard to the stolen property did not apply to immortal men when they were made a subject of sale. Dr. Cheever alinded to the oppressive laws which were the outgrowth of this crime. He contrasted the law which made the simple oath of a slaveholder that he had bought and paid for a man, with the text which said. Then shall not celliver unto his master, the servant which has escaped from his master, the servant which has escaped from his master, the servant which has escaped from his master. He reviewed the law again-to the slave-trade making

He reviewed the law against he save-trade making ing it piracy, in correction with the law and public opinion, and piety which would take Africans and sell them when once landed. The slave pirate bought his slaves on the coast of Africa, and if he were caught he was held to be a pirate, and subject to suffer the penalty of death. How was it that the second sale or third sale sanctified the act, and made the pirates Caristian gentlemen, engaged in sustaining a great missionary justification? But admitting this, how could they find the holding of the property of saves as chattely as a prinbolding of the progeny of slaves as chattels as a prin-ciple of Christianity and justice? What rights had the mother in Africa which her children had not in America? In Africa the trade was carried on by America: In America, Pegans against Pagans, and was piracy; in America, by Christians against native-born Americans, and was

by Christians against native both Americans, and a Christian act. What was the difference between kidnapping four hundred men from Eegland and four hundred men from Africa? None—except that the last was more infamous than the other, because the hundred men from Africa! None—except that the last was more infamous than the other, because the Africans were wesk and manble to defend themselves. Dr. Cheever referred to the influence of Slavery here in keeping up war and the enslaving of man in Africa. Witnout the stopping of Slavery itself, there could be no stopping of the slave-trade. The existence of Slavery here, sustained by the Government and the church was piracy baptized. Alluding to "the abuses of Slavery, he pronounced the system itself to be creative of nameasured abuses, and the greatest of all was the

nameasured abuses, and the greatest of all was the

system itself. It was madness, or wickedness, or which led men to think to stop the extension of Sisvery while they allowed it to exist stall. It was impossible to stop the stream so long as the fountain existed. They could not be anti-Slavery Extension unless they were anti-Slavery, and they could not be anti-Slavery unless they were in favor of the abolition of Slavery (Applance). Dr. Cheever then alluded to the relation of political parties. He held that if a party was tre-cherous to his principles, it would be left behind. He said that the party which would take as its principle justice to the oppressed blacks, and work for the purpose, would win at the next Prosidential election. There was no hope for any party or any church except by the injusion of the Word of God into them as their spring of action. They wanded mass meetings, to arouse the conscience of the people—to bring the people to a realizing sense of this great. led men to think to stop the extension of Sisv

mass meetings, to arouse the conscience of the people
—to bring the people to a realizing sense of this great
rational iniquity. In conclusion, he referred to the
responsibility of the ministers of the Gospel and the
churches in forwarding this movement.

At the close of the lecture, the following resolution
was moved by Eddar Ketchen, esq., and passed
manipuppely.

was moved by Educat Reference, early and place institutionally.

This meeting having been convened to hear the truthful and burning words of the Rev. Dr. Cheever, based upon the Word of God against Slavery, deems it a fit opportunity to say that the anti-Slavery people of this city, truth kendhidana, are deeply disappointed by the defeat in the Assembly of the Fernand Liberty bill, and we earnessly and solemnly assure the Republican majority in the Legislature that, if they would succeed in 160 in the nation, they must be faithful to Freedom in 1858 in the State.

Mr. GREELEY appounced that the next lecture would

A PEDESTRIAN IN TROUBLE. - On Saturday night last, Matthew Cassidy, alias Thompson, the wellknown pedestrian, concluded a walking match of 108 consecutive hours at Lansfield Hall, Brooklyn, and was declared winner of the etakes - \$500. His friends were so elated at his success that they carried him upon their shoulders from the Hall, and for a brief period Mr. Cassidy was quite a lion among the sporting fraternity. Having escorted him to his residence in this city, the pedestrian was left to his repose. On Monday, Casaldy strolled over the river and visited his friends, tendering those who kept public house counterfeit gold dollars, in payment for drinks. It is alleged that he victimized about a dozen or more persons in this manner, so then returned home. The fraud having be a detected, the matter was reported to the police here, and Datectives Roath, Pool and Slowey were deputed to lock after the accused. Search was made throughout the city, and last evening the officers found Cassidy at a house in Perry street, near Waverley place, and took him in custoriy. The accused at first denied all knowledge of the matter, but subsequently admitted passing the money, and said he had received it from a friend. He was locked up in the cells at the Police Headquarters, for the night, and will to day be taken to Brooklyn.

Asurs you Poterous,-Rufus Brown of Chelses, Orange County, a says that in an experiment tried by him the gain in the rop of potatoes by the use of ashes at the rate of a 'sacupfull to the hill, was about a bushel and a half of greatoes for eac's bushel of astes used. The kind of potatoes was the "English pink-eye," and yield '00 br shele per scre. The ground was planted May with the sales in holes, and a little dirt over them. It was ple ved and bood June 18, the rows being four feet spar and hills three feet. The ashes cost 12 je. a bushel, as d potatoes sold at 35 cents, returning full 50 cents a bus bel for the ashes employed.

TRIAL OF DANIELE, SICKLES, but the Court thought his answer amounted to dis-CHARGED WITH THE

MURDER OF PHILIP BARTON KEY.

THIRD DAY'S PROCEEDINGS.

Special Dispatch to The M. Y. Tribune.

WASHINGTON, Wednesday, April 6, 1859. The Jury was completed to day; twelve good men and true are secured. Eleven of the talesmen examined declared that they had prejudices and opinions in favor of the prisoner, but there were fewer who had made up their minds than of yesterday. One expressed himself in favor of the prosecution. Seven were challenged. The discussion upon the property qualification for jurors helped the defense. Judge Crawford appeared to be somewhat testy. Mr. Butterworth and Mr. Dillon are here consulting with Mr. Sickles. The defense is in hopes of achieving an acquittal without the jurors leaving the box. So far they claim

the proceedings as a victory in their favor. The reflections on District-Attorney Ould for insisting upon a property qualification for the Sickles jurors are entirely unjust, as the law explicitly requires it. If this form had been omitted. and a verdict of guilty rendered, his counsel would have been first to urge it as a good exception for a new trial. Recent cases in New-York show the necessity of observing all technical requirements

WASHINGTON, Wednesday, April 6, 1859. It is confidently expected that the Jary will be completed to-day. The talesmen are summoned from the rural portion of the District.

The proceedings of yesterday are indicative of public sentiment in this city. Seventy-one out of seventyfour persons had opinions so fixed and decided that they would not trust themselves to act impartially. Where questions were asked, it appeared that thes opinions were not as to the killing, but as to justificaon. The defense would not have challenged any o these jurors.

The prisoner's father, father in-law, and many New York friends, are in the Court to-day, evincing their sympathy. Among them is Mrt Maclay, M. C. The ody of the Court-room is crowded, and deep interest s manifested in the proceedings.

The Court being opened at a 101 o'clock, the names of the eight jurors already sworn were called, and all answered. The prisoner was in the box looking calm and self-

The Clerk proceeded to call the talesmen.

Robert M. Coombs had both formed and expresse an opinion in regard to the guilt or innocence of the accused.

To Mr. Phillips-The opinion has been formed from what I have heard and read; have never conversed with the witnesses for the prosecution.

District-Attorney-That is, as far as you know Juror-Certainly. District-Attorney-I should think so, for no one

knows who are to be witnesses. Jurer-I do not think there could be any evidence

produced to change my opinion. My mind is fully The Judge-I suppose so. You may retire.

Charles W. Haven had formed and expressed as

pinion as to the guilt or innocence of the accused. To Mr Phillips-My opinion is formed on mere rumor. Do not know that I could discharge my duties as a fair

uror. My mind is made up on the matter. Disquali-George W. Hinton had formed an opinion so fixed that he thinks he could not render a fair verdict. Da

unalified. Wm. H. Arnold thinks he had formed an opinion Feels a strong sympathy in the case, and feels that he has expressed an opinion; feels himself unqualified as

an impartial juror. The Judge-I thould think so, after your declaration sympathy. Retire.

George M. Goodall has formed a decided opinion. Mr. Phillips-On what has this opinion been

The District-Attorney submitted that, after the answer of the juror, further examination was unneces

amounted to nothing if the opinion was founded on mere rumer. If the witness could sit as an impartial jeror, the formation of an opinion would not disqualify im. If every man is to be excluded because he has get a jury. A man who had formed an opinion, but could still sit as an impartial joror, is as qualified as if he had never heard of the case at all. The prosecu tion, by preventing further question, would thwart the course of justice. The Judge himself, had formed an opinion more or less decided; but the question is-Are you an impartial Judge ? Can you sit as an im There is no principle of law, and partial jurer? ertainly note of common sense, which excludes a for because he had formed an opinion on mere rumon if, petwithstanding that opinion, he thinks he can give a fair and just verdict.

Judge-The opinion of a jaror may be weak or trong. If a juror answers that he can try the case with impartiality, he may be sworn, as several of the arors have so answered; but where a juror answers hat he has formed a decided opinion, he is certainly laqualified. This juror has formed a decided opinion, and is therefore disqualified.

Mr. Stanton-Will the Court decide that the prisoner as no right to question the jurer as to the ground of

his opinion. Andge-Oh, certainly not.

Mr. Stanton-The counsel for the prisoner propose to ask the jurer on what his opinion is formed, and the Prosecuting-Attorney objects that counsel be permitted o make such inquiry. This was a denial of justice to

he prisoner. Judge-I think the counsel should make no complaint in this case; there has been no withholding of roper privilege or right from the prisoner.

Mr. Chilton disclaimed intending to insinuate that here had been unfair ruling against the prisoner.

The Judge thought the argument of the point unnecessary; where the juror says he has formed a decided opinion, he is disqualified, and further inquiry need-

Juror, to Mr. Phillips, said he had formed a decided pinion; it was formed on the knowledge obtained from e witnesses disqualified.

Mr. Stanton explained that the defense merely wanted to know what the jurors meant by saying they had formed decided opinions.

The Judge repeated what he had said before as to the in competency of the juror who says he had formed a decided opinion.

Acam Grinder, called-Had formed and expressed an pinion at different times. Thomas Parker had formed and expressed an opin

n, and if sworn as a juror, could not discharge his uty impartially. Thomas E. Young and James W. Coombes answered

The above pamed were disqualified.

Hiram H. King had not formed or expressed an

epinion; had no influence on his mind which would prejudice his verdict. He had no hiss or prejudice, and had conscientions scruples in regard to capital purishment. Challenged peremptorily by Mr. Rat

Wm. G. Deale had formed and expressed an opinon on rumor and newspaper statements; an I, in reply to a question, said he would try to render so impartial verdict, but he would rather not trust himself, and did not brow how far his prejudice might influence him.

Mr. Phillips considered him competent as a juror,

qual-floation.

Jesse B Wilson does not know that he has expressed sa cpinion as to the guilt or innocence of the accused. He and had various epinions, but had not made up his mind; had no bise or prejudice.

The Judge thought the juror qualified. The Juror-Have no conscientious scruples as to capital punishment, and am worth over \$800, but

abould be glad to be excused. Mr. Wilson was sworn as the ninth juror. He re sides in Washington City; business, grocer.

John A. Rupp had formed an opicion. To Mr. Pathips-The opinion was founded on rumor. It was in reference both to the cause of the killing and the act. Thinks he is prejudiced, and could not render

a fair verdict. Dequalified. John E. Leach had formed and expressed an opinion.

Disquelified. James Nokes had an opinion, and had expressed a great deal of sympathy to both parties. There was no mpression on his mind to influence his conduct as a urer; had no bias or prejudice on either side; had no conscientious scruples about capital pusishment: should think he was worth over \$300.

Mr. Chilton desired to know how far the case comes within the rule made by the Court as to expression of sympathy. Sympatoy on both sides was very indefi-

nite. There may be a preponderance on either. Judge-Sympathy on one side amounts to a disqualification; sympathy on both sides, with general regret

at the occurrence, does not. Mr. Chilton-Then the Court strikes a balance that is what we want to know. Challenged perempto-

John McDermott had read the principal portion of the test mony at the Coroner's Inquest, and had a wague, indefinite impression on his mind; as to what effect it would have on him, as a juror, he could not

answer. Question-If sworn as a juror, would you discharge your duty impartially?

Juror-I should endeavor to do so, but would rather not take the responsibility.

To the Judge-Has a vague impression, which he could not dignify by the title of opinion. Cannot answer as to what effect his impressions might have en im, or whether, or to what extent, his mind is bissed. The Judge thought the answer amounted to a non-

formation of opinion. Thinks him quantied. Sworn as the tenth juror. Leonidae Coyle had both formed and expressed an

opinion. Duqual fied. Andrew J. Davall, James A. Tucker and Francis Mattingly had formed and expressed opinions. Dis-

malified. Wm. H. Stanford had not formed an opinion. Has no bias or prejudices. Has conscientious scruples sgainet the law of capital punishment. Disqualified.

Michael Green had formed an opinion. To Mr. Phillips-An opinion founded on rumor, but, f sworn as a jurer, would go according to the evidence; but had expressed his opinion publicly and

above-board that ---District-Attorney-Never mind what it was; if sworn on the Jury, would you render a verdict according to law and the evidence I

Juror-I would. District-Attorney-Have you any bias for or against he prisoner ?

Juror-Well, I am for the prisoner, as far as I have heard, [Laughter.] The District-Attorney submitted that the jaror was

net qualified. Mr. Phillips argued that he was. The juror had an-

swered that he could discharge his duty impartially. Mr. Brady said this was the first time as had taken any part in the discussion as to the impannelment of the Jury, and addressed his Honor now because the Court might have understord the answer of the juror different y from the manner in which the conneel for the deferre understood it. He said he was for the jurer so

far as he had heard. He hoped there would be no misconstruction of the effect of his answer. He would suggest to the Court to ask, whether it was not on what he had heard and read that he had formed an opinion, and whether that was not of a temporary or fleeting character.

The juror had not es d that it was upon any evidence he had furmed his opinion. An opinion, to disqualify a jurer, must be in reference to the guilt or innecesses of the accused. This juror says he would render a verdict according to the law and the evidence; and he would not sak a juror to form a verdict in any other way. He hoped the Judge would ask the mor what he means by saying that he was for the prisoner.

The District-Attorney submitted that the jaror delared be had a bias for the prisoner. It does not follow that that bias is temperary or fleeting, as has been suggested. It may be fixed. The prosecution had had two difficulties to overcome-first, the formation and expression of opinion; and, second, the bias in favor of the prisorer. The Court had already held jurors disqualified for having declared they had sympathy for the prisoner. There was something strongera fixed opinion and a bias. He therefore imagined that this juror was not competent to sit as a juror.

Mr. Grabam, for the defense, submitted that every prisoner is held to be innocent till proved guilty, and each juror should enter the box with an impression in favor of his innecence. The Judge should have the same impression till the accused was proved to be guilty: they should indulge the presumption that he is procent. All prosecutions affecting life, and all affecting liberty ought to be in favore libertatis, to be in faore vite. He asked that the jurors should be allowed to entertain the legal presumption that the prisoner is innocent. The first effort of the prosecution must be to overcome that presumption; the law was in favor of it, and the juror who held the presumption was entitled to take his seat in the jury bex.

Mr. Carlisle, for the prosecution, submitted that the pror was not stating this as a legal presumption, but ad said in substance that, as the case stands, he is for the prisoner. It would take marvelous ingenuity to confound that with a theory about legal presumption

Mr. Brady, for the defense, only wanted to know what construction the Court placed on the Juror's last answer, that he was for the prisoner. Never was a man called to sit on a Jury in any criminal case demarding sympathy, who did not, as he looked on the prisoner, get an impression as to his guilt or innocence. There was no such thing in nature as a marble statue moving to the Clerk's desk and taking an oath to render a verdict according to evidence. Take the case of an old man, who had committed an act, which might seem to be, in some points, natural, but which is yet against the law, all jurers, young or old, would feel this impulse stirring within them, that nuless the law probibited such a result, that old man should not be ent to prison or sent down in sorrow to the grave, and yet these men would discharge their duty conscienionsly, whatever consequences might befall the case. Here is nothing of that kind ; I am perfectly willing to trust it to your Honor to satisfy yourself by inquiry from this juror, who is certainly an intelligent and up right man, as to what he means by saying he is for the prisoner, whether that relates to judgment on the case tself, which would control or affect his verdict, or whether it is not some general impression, fleeting and faint, on something, which the testimony would remove. I think your Honor will say that it is not an unfair er improper request to make. Mr. Caritale, for the prosecution, understood hir

Hozor to decide yesterday, in a case where a juros had formed and expressed an opinion and felt some sympathy for the accused, but thought he could resder an impartial verdict, that he was incompetent, became he had formed, temporarily at least, certain conclusions, and was influenced by certain sympathies. If his sympathies were against the prisoner he would be obliged to overcome them before he could reach the mind of the juror, and so if his sympathies were in favor of the passener the presecution would have to Juror-Certainly.

overcome them. He thought he did not misunderstand

The Judge-No. Sir.

Mr. Carbale-I think that that decisi. W of yesterday

governs this question.

The Judge-The answer of the jurer to the question first propounded by the counsel for the defense was that he could render an impartial verdict on the evidence and law; but the effect of the answer has been removed by the statement that he is for the prisoner. If that is not a disqualification, I confess I cannot see any cause that would be. In deciding on this question, I do not think the nice distinctions attempted to be made should apply at all.

Mr. Magracer, for the defense, asked whether he would not be permitted to ask the jurer if his opinion was not hypothetical.

The Judge-The juror has already stated that it is made up on what he has heard and read.

Mr. Magreder argued that the juror was not disqualified. The jurar had said he had a bise in favor of the isoper, from what he had read. If that be true might they not ask him whether, from that present state of his mind, he could not sit as a competent juror The Judge thought it unnecessary to ask further

Exception taken. W. Angus had formed and expressed an opinion. To Mr. Phillips-The opinion is founded on the newspaper reports

nestions. He was disqualified.

Question- If the evidence given on the trial is differ en from what rumer has indicated, could you render a fair verdiet between the Government and the accused Juror-I could.

To Mr. Stanton-Could find a verdict on the law and evidence. His impression was in favor of the prinoner altogether. Mr. Carliele held the jurer incompetent.

Mr. Paillips stood up to argue the point-The Judge thought argument unnecessary. The ruling on the last case governed this. This juror was disqualified.

Exception taken. Edian Edmonston had expressed an opinion, and it sworn as a jurer would acquit the prisoner. [Laugh-

ter. Disqualified. Charles H. Wiltberger had not formed or expressed an opinion; had no prejudice or blas; had no conscientious scruples against capital punishment, and i the prisoner was guilty, he would hang him as high as Напав.

Peremptorily challenged. A. Lammond had formed and expressed an opinion

fully and free'y in favor of the prisoner. Disqualified. Theo. Mosher had formed and expressed an opinion merely from rumor, but would try to render an impartial verdict.

Mr. Stanton asked him whether he could find a verdict on the evidence. Mr. Mosber remarked that his sympathies were in

favor of the prisoner. Counsel for the prisoner desired to know the nature of this sympathy, and wished to propound further

questions, but the Court said that a mere leaning or sympathy amounted to disqualification. Geo. F. Varnell and Wm. H. Marlow had formed and expressed opinions. Disqualified.

John G. Robinson had expressed an opinion, but did not think it would influence his conduct as a juror. Had no bias or prejudice. He had nothing to do with the question of capital punishment.

Peremptorily challenged. William Hughes had no prejudice or bias. There was nothing to prevent him from rendering an impartial verdict. If a man was guilty, he had no objection to capital punishment.

Peremptorily challenged.

Joseph Davis, James Skirving, Benj. S. Kinsey, Alex. Forrest, John Pettibone, Alex. Bally, Thomas E. Baden, John P. Davis and Zadock Williams were severally sworn, but having formed and expressed opinions, and some of them having said they could not render an impartial verdict, they were pronounced disqua ified.

William Uttermubl had formed and expressed opinions. Disquelified. William M. Moore had formed and expressed an

To Mr. Phillips-His opinion was founded on what he had read.

Q. If sworn as a jurer, would you render a verdict according to the law and evidence? A. I see nothing to prevent it. To the Court-Have had impressions. Thinks they

would not affect his judgment. Takks he has a bias or prejudice. To Mr. Stanton-Thicks his bias would not affect his dement on the evidence.

The Judge thought the Jurer qualified. To the Datrict Attorney-Thinks he has no concould decide according to the law and evidence. Mr. Moore was sworn as the eleventh Juror.

sides in Washington. Business, grocer. Hugh Leddy and Thomas J. Magruder had formed injons and were disonalified. William M. Venable had formed an opinion. To Mr. Phillips-Opinion founded on rumor. Thinks

evidence could charge his mind. Disqualified. Samuel Pumphrey had formed an opinion. To Mr. Phillips—The opinion was founded on rumor, was afraid to trust himself to give an impartial ver

could not act as an impartial Jurer. Thinks no

dict. Disqua ified. James B. Greenwell had formed and expressed an opinion Disqualified. Robert Coben had not formed nor expressed an

opinion. Has no impression, bias or prejudice, and no onscientions scruples. Challenged peremptorily.

malified.

James L. Barber had frequently expressed an opinon. Disqualified. James L. Topham had formed an opinion. Dis-

The Judge here remarked that the Marshal had mmonel seventy-six instead of seventy. He supposed there was no objection. Mr. Brady-Ne objection on our part. The number

ruzgests patriotic ideas. Thomas C. Wheeler had formed an opinion; has sympathies in behalf of the prisoner, and thinks no

ence could change them. Mr. Brady-That clearly falls within your Honor's rule. [Laughter.]
W. H. Baum had formed and expressed an opinion. Disconlified.

Wm. H. Upperman and J. F. B. Purcell had formed and expressed an opinion. Disqual fied. Hiram Ritchie had expressed an opinion as to what the result of the trial would be.

To the District Attorney-He has sympathies for the

priscour, and for all men. Q .- Have you any sympathy growing out of wha believe of the circumstances of the case. A .- I have sympathy for any person who is

similarly situated. Both parties stand the same to I have no bias for or against the prisoner, but have freely expressed my opinion as to the result of the Q.-Did you say what would be, or what ought to

be the result Juror-I said what enght to be. The Judge thought that amounted to a disqualifica-

what I understood from rumer to be the facts. To Mr. Brady-If the facts are different from what derstood them to be. I could render a fair verdict. District-Attorney-If the law should be different from what you suppose it to be, could you render a

fair verdict in accordance with that law

The Judge thought that when a jurer had said a verdict ought to be in a particular way, it amounted to a disqualification. case the propriety of the law. The question to be de-termined was what is the law? Not whether good ar

Mr. Stanton argued that on all the answers taken together the faror was qualified. Could there be a man

better qualified to act as a juror.

Judge-I think so, very easily. [Langhter.] Disguai fied.

Exception takes, Stephen Coe'er and John R. Mitchell had formed opinions. Disqualified.

Harmon Burns had formed an opinion. John Phillips does not think himself competent to it as a jurer.

Mr. Stanton-Why not " Jurer-My opition is so fixed that I do not think I'

ould. Disqualified. John Miller and Reuben had formed opinions. Dis-

ushfied. Franklin Tenney had formed an opinion. To Mr. Phillips-The opinion is founded on ramor ould not like to sit as a juror, being oppose i to capital

J. P. Bartholomew had formed an opinion. Dis gualified. Daniel B. Clarke had a fixed opinion on all such

punishment. Disqualified.

ases; he had formed his opinion in this case on rumor; he did not know whether he could render an in nartial verdict; if to justify the act would make him an impartial juror he could be one.

District-Attorney-I suppose that falls within your Honor's raing. [Laughter.]

The juror was disqualified.

Jaremiah Hepburn had formed an opinion, and was William Cooper had not formed an opinion; had no bias or prejucice, and no conscientious scruples. Quali-

fied, and oballenged peremptorily. The Judge here suggested that, as the Marshal had summoned seventy-six men, he had better not call the

Mr. Phillips said the counsel for the defense had con-The Judge understood that, but, in view of the

practice in New York, he thought it the safest plan not call the last man. Mr. Philips hoped that the practice of New-York as not to be imitated here.

Mr. Graham said the case in New-York referred to the constitution of the jury.

The Judge directed the Clerk not to call the last man in the box.

Joseph S. Wright had formed an opinion. To Mr. Phillips-The opinion was not entirely formed on rumor or newspaper statements. He had never conversed with any of the witnesses. He could discharge his obligations as a juror if sworn on the Jury.

dice. To the District-Attorney-He could give an impartial verdict according to the law and evidence. He had no conscientious scruples about capital punish-

Q. Have you preperty to the amount of \$800 ? Jurer-I do not know as to being worth \$800.

ment.

Maryland.

or not.

Mr. Stanton objected to the question as to property qualification put by the District Attorney. He did not think the lack of property any objection in the District to a juror. When the question was first made in this cause, the coursel for the defense were taken by surprise. They were aware that the statute of Mary and in its colonial condition did impose a property qualification, but were not aware that the United States had ever made an objection to a juror on this ground, which is so dishonorable to the principles on which the Government rests. The District Attorney had never made that objection in other crimical cases and the coursel for the defense supposed it would not be made here. This objection was made under the act of the Assembly of the Colony of Maryland, passed in October, 1777. Prior to that time, under the Government of Great Britain, the qualification of a juror had been made both as to the amount and quality of his estate. Freehold property to a particular value was required; but as early as 1777 ideas had progressed so far that the absurdity of requiring a reehold qualification was abolished. Nevertheless,

there was still required a certain property qualification. He need not trace the origin of that idea. He did not know that there was a single State of the Union which required this property qualification for jurous. He asked the District-Attorney whether a property qualification was required now in the State of

District-Atterney-I do not know whether there is

Mr. Stanton-The prisoner is arraigned under the laws of the United States, and unless the jurisdiction and severe guty of the United States imposes a propcan be imposed. The only requirement is that they be free and impartial triers. The acts affecting the ques tion will be found under George, Act. G , Sept. 24, 1789, which declares that in cases punishable with death the trial shall be had in the county, or where not so had, that twelve petit jurors shall be summoned thence, and shall be drawn by lot or otherwise, in each State, according to the mode of forming juries therein. The law simply indicates the designation of jurors, and provides that they shall have the same qualifications s required for jurors by the laws of the States. That was all the qualification which Congress imposed on jurers. Is this a State? Are we now a portion of the State of Maryland, and have we imposed on us the laws of 1777 By no means. This territory belongs to the United States, and the jurisdiction of the United States alone dwells here. On the organization of this District, it was provided that the laws of Virginia, as then existing, should be extended to that portion of the District ceded to the United States, and so with regard to that portion ceded by Maryland, but this applied to civil, not to criminal procedure. The act of the 20th July, 1840, amended the act of 1800, which provided that jurors to serve in the courts of the United States should, in conformity with the practice in the State or District, be designated by lot or otherwise. Its operation was to give validity the practice then prevailing. The act of 1840 provided that jurors, to serve in Courts of the United States in each State, should have such qualifications as are required of jurors to serve in the highest State Courts. He argued that Congress, having provided the mode for designating jarors, and having imposed no preperty qualification, there is no warrant at all for a property qualification within this District. The resson of making that law conform to the State law was, that there might not be two modes of procedure. It was to harmonize the practice. There is no warrant under the act of Congress, which makes the act of the Assembly of the Colony of Maryland in 1779 law in

regard to property qualifications. The act of the General Assembly of Maryland of 1801, reduces the qualification of jurors, and enacts that jurors may be rummoned of the most wisdom and experience having \$300 worth of property, and that no challerge shall be sllowed against any juror for want of such qualiflospossession than a pure, honest heart. I submit that the Judge can find no warrant to impose the property qualification in this case. It was a mere teconicality contrary to the spirit of the age. If the practice is

of when a larger had said a not warranted by the sovereignty of the United States, it could not be imposed on this prisease.

The District-attorney replied. He would not dis-

bad, wire or foolish, but what says the statue? He

imagined that his Honor would not go behind a

law to inquire into its propriety no matter how repaisive to his Honor's feelings. As to its practice he would admit, he had not previously insisted on the law but it was because he would frankly confess he was not aware of the existence of the law at that time. This rule was frequently practiced here, and resorted to in many cases where his colleague [Mr. Carlise] had been counsel. The deviations were rether exceptions than otherwise. It was resorted to in the case of Edwards, and it was the practice : late District-Attorney and his predecessors to en the law. Previous to the year 1777 the I Maryland required a freehold qualification, by that time the freshold qualification was dispense. with as far as the Provincial Court was concerned. The law of October, 1777, extended the provisions of the existing law, and applied them to the County Courts, making eight hundred dollars worth of property necessary for the qualification of a jator. Tae entheman cays this is an old statute of one hundred years ago. It may be better or worse for that, it was estituted about the time of the Declaration of Independence, when it might be supposed our fathers knew what was in accordance with the rights of man. In 1801 Congress applied to the District of Solumbia the laws of Maryland then in force. Did not that constitute them laws of the United States and not of Maryland? It was pro-cisely as if Congress had taken up these laws and enacted them "ississimis verbis." This, then, was a statute of the United States, prescribing the qualitiesion of jurers-and being so, it was the law of the land and the law of this case. It was sufficient for bim that tie public presecutor should know it was the law, and stand upon it, because it was the law. Ho a new of nothing that would justify him in departing from that rule. But, say the gentlemen on the other side, if Maryland sees fit to change her after being adopted by the United States, a corresponding change should be effected here; that we should look-not to Coogress, but to the Legislature of Maryland, for the laws to govern us. The argument carried on ab-ardity on its face. The gentleman argued that the law required property to be held in the Siste of Maryland, and not in the Dismitt of Columbia, and that though the law was adopted here, it does not apply to the District. All the statutes of Maryland toat extended over the District, used the phrase, "in this State," and yet it has always been held that that phrase applied equally to this District. How were they entitled n this District to the benefits of common law? Solely through their connection with the State of Maryland, To the Judge-He had no impression, bias or prejunot through their connection with the United States. If it was not through the State of Maryland, they had no common law at all, and the prisoner had better be discharged at once. The very authority cited by the other side, the act of Congress of 1789, settled this question. It settled the qualification of jurors, and declared that the provisions of the common taw, as modified by the statutes of Maryland, should continue to be the rule of law in regard to jurors in the District f Columbia.

District Attorney - Since 1844

Mr Stanton-We have it then declared by s contiman who has been practicing law here for fifteen years, who is the District-Attorney of the District of G slumis, and whose appointment has been ratified by the Senate, that he did not know that the property qualifiation was necessary. If that is no, where has this law been? Buried for one hundred years, and dug up for the presecution of Daniel E. Sickles. Who brought it to his notice? He says his colleague had tried a case in which he had seen the rule enforced. Then, if her had not been so associated, Mr. Stokies would have been tried by a man with a heart in his breast, not with money in his pocket. The practice of the Court is the law of the Court, and if it lay so deeply hidden that a man practicing in it diffeen years did not know there was such a law till he had to arraign Mr. Sickles,

it is not the practice of the Court, and not the law of the Court. The Judge-You had better understand the pra about this law. It has been enforced here very often. The District-At orney may waive it if he pleases. I know very well that the late Mr. Gendall, District-

Attorney, used to ask the question. Sometimes Mr. Key

did, and sometimes he did not. Mr. Stanton-That is precisely the point of view in hich I proposed to discuss it; these objections alluded o were speradic, exceptional cases. The question arises whether the role sought to be applied by the District-Atterney for the first time is the law of the land, or whether it is not merely acquiesced in, never having env real foundation in the statutes of the It is urged here as the practice of the Cout, but to make that practice law, it must be uniform. Then as to the express statute, how stands it? The act of 1777 was merely a directory statute; it directed the Sheriff to summon men having freehold property, but provided that that should be no cause of challenge. He stood not bere on the ground that the law of the State of Maryland had changed, and did not now tequire the property qualification, but on the ground hat that law never did apply to this District. He was satisfied that it was never contemplated by act of Corgress to make the laws as to the property in alification of jurors applicable in the District, they would have the penal act of Maryland operating n one county, and the aut of Virginia operating in another county. What was the common law in this District? It was the common law of England, incorporated into and made part of the law of the

property qualification to the found. Joseph S Wright having been salled and beging answered several preliminary questions, the District Attorney asked him if he was worth \$500 ? He had a right to put that question. It was objected to by the defendant's counsel, and argued. The County of Washington was part of the State of Maryland. The laws of Maryland were extended to the District by the act of Feb. 27, 1801, and are as much a part of the laws of the District, where not thanged by a st of Coagreat, as if Congress had enacted the several, laws in so many words. If this particular provision of the act of Maryland of 1777 has not been uniformly practiced and enforced, I know tout it has been practiced and

late District Attorney say so, remarking that a man

Bench.

District. In that common law there was no such

did not possess mind according to the weight of his pocket. Whether it is a wise law or not, is not a quosre have with the laws of California since 18f8. With o much of the laws of Maryland as are not changed by Congress since 1801 we have everything to do. The people of Alexandria had cerain rules of action founded on the laws of Yirginia. and the people of this county were governed by the laws of Maryland as they exuted in 1801, so that a very curious state of things did actually exist. I have myself tried men in Alexandria union the laws of Vieginia, and purished them, two when convicted; and I amen e every one who has provided at this bar knows that the laws of Marvlard are enforced so far as not harged, with great suiformity. The tribunels of this district have labored under a great mistake for fiftyight years, if the position taken by the counsel for be referre is correct. All the Cours and all the Jacges who have held Come to the Detrict, here, with perfect meanineity, entered there laws. It could not be otherwise, for Congress said they should be the law of the District. Congress had the right to change them, because it possesses

enforced in many instances since I have been un the The reason why uniformity did not prevail was, I suppose, that the District Attorney did not observe to avail himself of the advantage. I think I beard they

See Eighth Page.

To Mr. Phillips-He could not form an opinion of the District of Commbia at this day. guilt or innocence till be heard the evidence. If sworn tion before the Court at all The question is whether Counsel felt a strong belief as to the right of the as a juror, I have always thought that I could disthe law exists. With the laws of Maryland, as enprisoner to be tried by twelve men without charge my duty impartially, and I think I could do so forced since 1864, we have nothing to do, more then

> tion. The direction was to the Sheriff. But the want of a freehold should not be in itself any cause of challerge. The act was simply directory, and indicated to the Sheriff merely that he should have wise and dispreet men as jurors. The property qualification required was to be in the State of Maryland. Would his Honor say, in this case, whether the property should be there or in the District of Columbia? If the Court

took the law, it must take the whole law. The law being inapplicable, no such qualification can be in-To Mr. Phillips-That opinion was predicated on posed; and, certainly, it ought not to be applied in a case which appeals to the heart of every man but, east of all, perhaps, to that man who has no other